

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 20, 2004

Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Fearey, Gray, Lambke, Martz, Schlapp; present. Council Member Brewer absent with prior notice.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Rick Cline, Central Church of Christ, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of July 13, 2004, approved 6 to 0, Brewer absent.

AWARDS AND PRESENTATIONS

Proclamations Proclamations were previously submitted.

NEW BUSINESS**ARENA PROPOSAL DOWNTOWN ARENA PROPOSAL.**

Bill Buchanan County Manager reviewed the Item.

Agenda Report 04-0739

The development of a multi-purpose indoor event venue in downtown Wichita has been proposed and considered a number of times over the last 20+ years. It remains an important issue in the greater Wichita community, both in terms of the role an arena would have in ensuring the economic and cultural vitality of the downtown area as well as the impact a new, larger and centrally-located facility would have on the quality of life for the entire South Central Kansas Region.

The Kansas Coliseum was developed by Sedgwick County in 1977, 10 miles north of Wichita. Sedgwick County has delayed for several years its plans to renovate the 10,000-seat Britt Brown Arena and the Pavilion and other facilities that make up the Kansas Coliseum, in order to give the community an opportunity to pursue its dream of having a downtown arena. An early plan for a downtown arena was defeated in a sales tax election in 1993. A more well developed and widely supported plan (the "Dynaplex") was shelved in 2002, based largely on severe downturn in the local economy following the events of 9/11. In 2003, following a process of community engagement, the Sedgwick County Commission voted to proceed with the renovation of the Kansas Coliseum and engaged a team of local and national architects to prepare construction documents for a renovation and expansion of the Coliseum facilities at an estimated cost of \$55 million.

While deciding to move forward with the Coliseum improvements, Sedgwick County Commissioners publicly invited proponents of a downtown arena to submit an alternative plan for consideration. A group representing several community business organizations requested the assistance of Mayor Mayans, Vice Mayor Brewer and City staff in preparing an alternative plan for a downtown arena and presenting it to Sedgwick County officials. The business organizations include the Wichita Area

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Chamber of Commerce, the Greater Wichita Area Sports Commission, the Wichita Convention and Visitors Bureau, the Wichita Downtown Development Corporation and BIG of Wichita. A draft plan was collaboratively developed and presented to Sedgwick County officials for discussion purposes on June 23, 2004. City staff subsequently participated in two work sessions with County staff to discuss and clarify various aspects of the City's draft plan. As a result of these meetings, County staff prepared a "counter-proposal" for development of a downtown arena. The County's plan was approved by the Sedgwick County Commission on July 14, 2004. Sedgwick County is asking for City Council approval of the plan at this time.

Copies of the Sedgwick County plan have previously been distributed to City Council Members and have been made available to the public. The plan will be formally presented to the City Council by Sedgwick County officials at the July 20, 2004 City Council Meeting.

Based on prior consultation with Sedgwick County officials and the representatives of the previously mentioned business organizations, the City's draft plan included significant financial participation by the City of Wichita, particularly with respect to site assemblage and preparation, infrastructure improvements and parking. Under the City's draft plan, Sedgwick County would finance the construction of the arena facility, which it would also own and operate.

Without prescribing any method or manner of financing the County portion of the project, the City's draft plan did identify a diverse package of funding sources that were proposed to finance the City's portion of the project. Certain private-sector funding sources, such as naming rights, were suggested as well. The County's plan seeks to simplify the funding mechanisms by financing all hard and soft developments costs with a short-term dedicated sales tax increase, which will require both local voter approval and action by the Legislature to raise the County's local sales tax lid.

Among the many elements of similarity between the City and County plans is the ownership, operation and sole governance of the new downtown arena by Sedgwick County. The County's plan specifically calls for the Wichita City Council to approve this aspect of the plan, since it is located within its jurisdiction.

The City of Wichita would have no financial contribution to the development of the proposed downtown arena. Sedgwick County's plan calls for the business community to finance and lead a community approval campaign for the successful passage of the sales tax ballot question. It is estimated that private sector funding in the range of \$200,000 will be needed for this purpose.

The total development cost of the Sedgwick County plan is estimated to be \$141,517,000. An alternative that includes a 3,200-space parking structure would add \$39,400,000, bringing the total to approximately \$180 million. Current collections of the one-cent countywide sales tax are estimated to be \$71 million per year. A full-cent additional sales tax could pay for the downtown arena in two to two-and-a-half years. A half-cent sales tax could finance the project in five years.

Sedgwick County levies a one-cent local sales tax, which is the maximum allowed by law. There is ample precedent of the state legislature increasing a county's local sales tax lid above the uniform one-cent level for special purposes when strong local support is demonstrated. The County's plan calls for a local vote to be held in connection with the November general election. If the voters approve the sales tax increase, Sedgwick County asks the City of Wichita to join it in seeking legislative action to raise the tax lid accordingly.

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| Mayor Mayans | Mayor Mayans stated that he feels it is important for the community to have an arena downtown and that this is a plan that has support not only from the commission, but also from the business community. |
| Council Member Lambke | Council Member Lambke stated that he appreciates the county stepping forward and bringing this issue to the voters. |
| Council Member Martz | Council Member Martz stated that he would like the City's involvement on the wording on the ballot and since the county is asking for the City's support, would suggest that the City be involved somehow on the actual wording of the balloting. |

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- Bill Buchanan County Manager explained that as they are constructing the downtown arena, they would redefine what the Britt Brown Arena might host. Stated that it would be a lot easier to have a dirt arena and operationally a lot less expensive to do that. Stated that they need to find out what that market mesh is and to determine whether it makes sense to have it out there and if it does not make financial sense, we may have to tear down that building, which would eliminate expenses. Stated that this is all part of what needs to be examined after the downtown arena is under construction.
- Council Member Gray Council Member Gray stated that there has been some discussion and fear by some citizens that sunset clauses and taxes never go away but that his understanding is that if this is approved and since it was voted by referendum vote of the people that it cannot be extended past the desired time that was voted on.
- Bill Buchanan County Manager stated that is true and the ballot question will be written in such a way that it will have a pre-determined sunset date. That tax will stop being collected by businesses on that date.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- George Fannestock Mr. Fannestock stated that he is a representative of the private sector and is asking the Council to endorse the plan as outlined for a downtown arena and that the Council share their leadership, expertise and compassion to assist in the advocacy campaign to bring to conclusion a defining moment in the history of our community a successful referendum in November.
- Motion--
--carried Mayans moved that the Sedgwick County plan for development of a new downtown sports and entertainment venue be endorsed and supported. Motion carried 6 to 0, (Brewer absent).

2005 BUDGET

2005 ANNUAL OPERATING BUDGET AND 2004 BUDGET REVISIONS

- Kelly Carpenter Acting Finance Director reviewed the Item.
- Agenda Report No. 04-0740
- The City Council has received the City Manager's Proposed 2005/2006 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.
- The proposed 2005 annual operating budget is \$409,107,750 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$513,814,243. The inclusion of expendable trust funds, as required by law, is an additional \$61,631,300 for a total of \$575,445,543. The estimated mill levy for this budget would be 31.905 mills, no change from the levy for the current 2004 adopted budget.
- The General Fund property tax levy is \$55,632,430 (including a delinquency allowance) at an estimated 21.905 mills. The levy for the Debt Service Fund is \$25,397,140 (including a delinquency allowance) and is estimated at 10.000 mills.
- There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$6,787,830, of which \$6,162,500 is derived from property tax increments.
- The SSMID Fund is included in the proposed budget assuming a 3.14% increase in assessed valuation. If the SSMID mill levy remains constant (5.950 mills), new valuation projections would result in \$561,590 revenue net of delinquency in fiscal year 2005 (2004 taxes levied). The proposed budget ordinance for the SSMID assumes a constant mill levy rate. Factoring revenue from prior year delinquencies would add an additional \$29,560 for a total of \$591,150.

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The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 10th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2005 Budget, it is requested that action be taken to amend the 2004 adopted budget – as contained in the proposed budget submitted to the City Council:

1. The Tourism & Convention Fund is increased \$338,550 primarily to accommodate increased operating costs of Convention & Visitors Bureau and tourism/convention Items approved by the City Council in the spring of 2004. Items include the new location fee of the Men's Bowling Tournament scheduled in 2011, and the annual contribution for the Aviation Festival. The increased expenditures are offset by projected increases in transient guest tax receipts or reductions in other line Items.
2. The Economic Development Fund increase of \$3,257,710 is due primarily to funding for the AirTran contract stop-loss guarantee (\$2.5 million) and to expanded resources being made available for economic development incentives. The contingency amount was also increased (\$360,000) to provide expenditure authority within the re-certified fund total, but would not be used without City Council directive.
3. The Water Utility Fund is increasing \$1,563,910 due largely to absorbing additional Powdered Activated Carbon (PAC) chemical costs for taste and odor control and restoration of maintenance projects deferred from 2003. These changes were determined after the 2004 budget had already been adopted.
4. The Self-Supporting Municipal Improvement District (SSMID) Fund is increased \$24,880 to release excess fund balance to the Downtown Development Corporation (DDC) as soon as possible. Revenue exceeded estimates in 2003, causing the accumulation of funds. The Revised Budget allows the DDC to access the money upon adoption of the re-certified budget, rather than waiting until 2005.
5. The Self Insurance Fund increase of \$1,176,950 is due primarily to a greater-than-expected increase in Health Insurance costs and an increase in Tort Liability costs. The Adopted budget had been constructed assuming a 20% increase in Health rates, but the actual rate increase of 23% resulted in a budget increase of \$665,750. Tort Liability costs increased \$961,830 due to the decision to pay a legal settlement from this fund rather than the General Fund. The increased Health Insurance costs are included in individual departmental budgets, but the Tort costs are not offset and will result in drawing down the fund balance. These higher expenses are partially offset by cost reductions in Workers' Compensation costs and Risk Management administrative costs.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2005 Budget must be adopted by the City Council on August 10, and will be filed with the County Clerk by the statutory date of August 25.

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| Council Member Fearey | Council Member Fearey stated that she would like to have another opportunity to discuss the budget at a workshop or an informal session. |
| Cathy Holdeman | Interim City Manager stated that if the Council would like to discuss this at a workshop, they would have the opportunity to do so at the July 27 th workshop and that additionally each of the public hearings that were mentioned are opportunities for discussion. |
| Council Member Gray | Council Member Gray stated that he expected to follow the same process that was followed last year and will also be looking forward to having a workshop session. |
| Mayor Mayans | Mayor Mayans inquired whether anyone wished to be heard and no one appeared. |

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Motion--

Mayans moved to set the public hearing on the proposed 2005 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District Downtown) and the revised 2004 Budget for August 10, 2004; and approve first reading of the general budget, TIF district and SSMID Ordinances. Motion carried 6 to 0, (Brewer absent).

--carried

ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2005, and ending December 31, 2005, and relating thereto, and concurrently approving certain amendments to the 2004 adopted budget, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2005, and ending December 31, 2005, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2005, and ending December 31, 2005, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2005, and ending December 31, 2005, introduced and under the rules laid over.

CUSTOM CUPBOARD PUBLIC HEARING AND TAX EXEMPTION REQUEST, CUSTOM CUPBOARDS, INC. **(DISTRICT IV)**

Lisa Jones

Finance Department reviewed the Item.

Agenda Report No. 04-0741

Custom Cupboards Inc. located at 3738 S. Norman in southwest Wichita, was locally formed in 1981. Custom Cupboards is a leader in high quality, custom-built cabinetry for residential homes and commercial offices. Custom Cupboards has had consistent growth in sales, and as a result, the company has expanded its manufacturing capacity to include construction of a 42,500 s.f. building addition and purchase of new machinery and equipment, for a total project cost of \$1,109,044. Prior to undertaking this expansion, the Company notified the City of its intent to request an Economic Development Exemption (EDX) on additional manufacturing space and new equipment.

Custom Cupboards, Inc. has two manufacturing facilities and a showroom located in Kansas. It is the largest manufacturer of residential cabinetry in the state. The company manufactures and sells high quality, custom built cabinetry for the home and office, and sold by approximately 165 dealers in 28 states. Custom Cupboard's products are made-to-order kitchen and bath cabinets, desks, bookcases, entertainment centers, hutches - all with unlimited custom possibilities in finish and design. On the average, 175 sheets of plywood are cut in the manufacture of cabinets that are built each day. Custom Cupboards offers 70 door styles, 9 wood choices and 1,600 creative colors. In the finish department, beauty is added in the staining, painting, sealing, and a top-coating process. The company has a detail department where the doors and hinges are installed. The special case department adds the appliance garages, pull out shelves, tip out trays, can racks, bread boards, recycling bins, plate/wine/spice racks, valances, super susans, cutlery trays, chop blocks and more.

Custom Cupboards currently employs 174 employees. The main plant and corporate office which is approximately 174,000 s.f., is located at 3738 S. Norman. Custom Cupboards has another plant with

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approximately 24,000 s.f. of space located at 2432 S. Sheridan in Wichita which houses the rough mill where the cabinet drawer fronts and face frames are manufactured by approximately 10 employees.

The expansion project includes construction of a 42,500 s.f. building addition and purchase of new machinery and equipment. As a result of the expansion project, Custom Cupboards will create 27 new jobs over the next five years. Custom Cupboards exports 95% of all production out of the State of Kansas.

Under the City's Business Incentives Policy, Custom Cupboards is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
42.0%	New Job Creation:	Custom Cupboards will create at least 27 new jobs.
17.0%	Capital Improvements:	Custom Cupboards will invest at least \$1,109,044.
59.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
47.5%	Export Premium:	Custom Cupboards exports 95% of its product outside Kansas.
47.5%	Sub Total – Export Premium (Maximum allowed is 50%)	

97.5% TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY

Under the City's Business Incentives Policy, Custom Cupboards is eligible for 97.5% tax exemption on new real and personal property for a five-year term and 49% exemption on real property only for a second five-year term, subject to Council review. A notice of public hearing has been published. Custom Cupboards has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$1,109,044 expansion would be \$23,017 on real property improvements, and \$6,599 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 97.5 percent, the City would be exempting (for the first year) \$29,616 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$8,315; County/State - \$7,902; and USD 265 - \$13,399.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.16 to one
Sedgwick County	2.15 to one
USD 265	1.61 to one
State of Kansas	6.56 to one

The City Attorney's Office has approved the Ordinance as to form.

Council Member Fearey Council Member Fearey asked Lisa Jones to explain how annual reviews are done.

Lisa Jones Finance Department, explained that once property tax exemptions are granted to companies or Industrial Revenue Bonds (IRBs), she will make an annual visit to a company to make a review and to let them know that she is wanting to see a spreadsheet to show the number of jobs that have been created since the bonds have been issued or property tax exemption has been granted to a company, and when she gets there that a spreadsheet has been provided and she will be provided a tour of the company that will allow her to see what new construction has taken place and what new machinery and/or equipment have been purchased.

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Mayor Mayans Mayor inquired whether anyone wished to be heard.

Cybill Strum Ms. Strum asked why is it that businesses want tax exemptions when they want additions made to their buildings.

Motion-- Gray moved that the public hearing be closed and first reading of the Ordinance granting a 97.5% tax exemption on the identified real and personal property improvements for a five year term, and a 49% exemption on real property only, for a further five-year period, subject to City Council review be approved. Motion carried 6 to 0, (Brewer absent).

--carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted, introduced and under the rules laid over.

KDOT

PROJECT FUNDING REQUESTS TO KANSAS DEPARTMENT OF TRANSPORTATION. (DISTRICTS II, III, IV AND V)

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 04-0742

As a continuation of their local partnership program, the Kansas Department of Transportation (KDOT) is requesting project submittal for the KLINK Resurfacing, Geometric Improvements, and Economic Development programs. The KLINK Resurfacing project requests are for fiscal year 2007 (July 1, 2006 through June 30, 2007) and the Geometric Improvements and Economic Development projects are for fiscal year 2008 (July 1, 2007 through June 30, 2008).

The KLINK Resurfacing, Geometric Improvements, and Economic Development projects were developed by the City Manager's Office, Public Works Department, Finance Department's Economic Development Division, and Planning Department. Staff recommends the follow projects:

KLINK Resurfacing	Costs
1) Mill/overlay and existing shoulder repair	\$400,000
U.S. 54/400 from Turnpike (West of Webb Rd.) to the East City Limits	
Geometric Improvements	Costs
1) Widening the corridors along both	\$4,799,224
South Broadway (46th St. S. to 48th St. S.)	
and 47th St. S. (Main to I-135)	
Economic Development	Costs
1) Reconstruct and reconfigure Dugan,	\$3,090,000
Pueblo, and Hoover Road from	
US-54/400 (Kellogg) to Harry	
2) Greenwich interchange at K-96	\$2,060,000
3) Reconstruct and widen Tyler Road	\$2,574,950
from Harry to Pawnee	

If approved, KDOT will participate in the cost of the requested projects, as follows:

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KDOT Local/Other			
KLINK Resurfacing	KDOT%	Share	Share
1) Mill/overlay and existing shoulder repair	50%	\$200,000	\$200,000
U.S. 54/400 from Turnpike (West of Webb Rd.)			
to the East City Limits			

If the project is awarded by KDOT, some reprioritization of funds may be necessary to make the match. The local share for this program would need to be programmed in the Capital Improvement Program in 2007.

KDOT Local/Other			
Geometric Improvements	KDOT%	Share	Share
1) Widening the corridors along both	20%	\$950,000	\$3,849,224
South Broadway (46th St. S. to 48th St. S.)			
and 47th St. S. (Main to I-135)			

Economic Development	KDOT%	KDOT Share	Local/Other Share
1) Reconstruct and reconfigure Dugan, Pueblo, and Hoover Road from	65%	\$2,000,000	\$1,090,000
US-54/400 (Kellogg) to Harry			
2) Greenwich interchange at K-96	73%	\$1,500,000	\$560,000
3) Reconstruct and widen Tyler Road	75%	\$1,931,213	\$643,737
from Harry to Pawnee			

If one or more of these projects are awarded by KDOT, some reprioritization of funds may be necessary to make the match. The local share for this program would need to be programmed in the Capital Improvement Program in 2008.

Council Member Martz	Council Member Martz stated that he thought that this project had already been approved.
John Schlegel	Planning Director explained that they submitted for this project under the same program last year and all five of these projects were authorized by the City Council last year to be submitted for these same funding programs. The City of Wichita was not approved for any of these projects last year. Explained that it is a supplemental grant from KDOT that they are asking for.
Council Member Martz	Council Member Martz stated that none of these projects are in the CIP and asked if there has been discussion as to where this money would be redistributed in the CIP.
John Schlegel	Planning Director stated that there has not been discussion and that the attitude was that would be a bridge that they would cross when they come to it. Stated that there are no guarantees of receiving funding for any of these projects but there would be room within the CIP to do some redistribution to make these projects work. Stated that if this is approved from KDOT, they would go back and take a closer look at where within the CIP they could do some reprioritization and that this would not be eligible until fiscal year 2007 and 2008 and there would be time to work that out.
Council Member Martz	Council Member Martz stated that the would like some feedback as to what some of the projects are that are being proposed to be shuffled around prior to waiting until it is already approved because he did not realize that there would be that much shuffling around in the CIP.
John Schlegel	Planning Director stated that these projects would not be eligible for funding if they are approved this year by KDOT until fiscal year 2007 and 2008 and that they want you to use the money and if you do not use it within a certain time frame they want to be able to reallocate it to someone that will use it.
Council Member Fearey	Council Member Fearey stated that she shares some of the same concerns and that none of these projects were deemed important enough to be on the CIP but now they are important enough that we

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should reshuffle our ten year CIP to put them on there. Stated that if the City has projects that departments are in agreement that they need to be on the CIP, then they need to be there and feels that this proposal is backwards.

John Schlegel Planning Director stated that a lot of this has to do with cash flow management is within the CIP and transportation project management. We are not always spending all of the money that has been allocated for projects, and a lot of times it comes down to better management of the cash flow that is involved.

Council Member Gray Council Member Gray stated that he has the same concerns and that three of these projects are in his district and that there is no room in his CIP within the next five years to move any of his road projects around. Stated that he is not going to move around his projects to accommodate some of these proposed projects that are questionable in need when he has some that have a very strong demand for reconstruction. Questions their necessity at this time.

Council Member Schlapp Council Member Schlapp stated that if there is no negative response to the application and there might be a positive to the receiving thereof, why would we not go ahead and at least ask for the funding.

John Schlegel Planning Director explained that there is no obligation in submitting the application and at that time we would go back and look at how we could shift priorities within the CIP to provide the local match and if it is not there or reprioritization that the Council wants to do then we would simply decline, which would probably affect future submittals in that you show reluctance to take the money and spend it.

Council Member Martz Council Member Martz stated that he has a problem with this and that if these projects are this important then it should be in the CIP and it should have been discussed. Why apply for monies for a fund for a project that we know nothing about, we do not have the money in the budget to pay for it if we do get the funding and if we do get the funding and choose not to take it then it is a mark against the City. Does not believe he can support this because he does not want to put a negative marks against the City and would like to have these projects if they are that important be brought up to Council and put on the CIP so that they can be properly addressed.

Mayor Mayans Mayor Mayans stated that he would recommend that this be discussed at a workshop or that Staff visit individually with each Council Member regarding the CIP and see if they want to reprioritize and then to get back with him for a review; and it would then be put back on the agenda for a vote.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Council defer the Item and discuss it during a workshop or that Staff visit individually with each Council Member regarding whether or not their projects are on the CIP and to review with the Mayor and then place the Item back on the agenda for a vote . Motion carried 6 to 0, (Brewer absent).

--carried

THE CLUB APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO RECLASSIFY THE LOCAL LIQUOR LICENSE OF THE CLUB AT 305 SOUTH ST. FRANCIS. (DISTRICT I)

Norman Williams Chief of Police reviewed the Item.

Agenda Report No. 04-0743

City ordinance defines a drinking establishment/restaurant (DE/R) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less that 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Section 4.04.010(t) of the City Code.) Minors under that age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space

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criteria is classified and licensed as a drinking establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R may be reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Section 4.16.095(c) of the City Code authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment “fails to provide information showing either the required amount of gross revenues from sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premises.” Subsection 4.16.095(d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief’s order to the City Council stays the order of reclassification until the matter is resolved by the Council.

The Club, located at 305 S. St. Francis, has been licensed at a DE/R since September 30, 2003. On May 6, 2004, Wichita Police Department Detectives requested information from The Club showing that the establishment was in compliance with Section 4.04.010(t) regarding percentage of food sales. A list requesting specific information necessary for the audit of The Club’s revenues was attached. While several of the Items requested were never provided by the licensee, documentation was provided that showed a gross revenue of \$98,259.01 from October of 2003 through April of 2004, of which \$77,077.45 was attributed to the sale of liquor and \$21,181.56 was attributed to the sale of food. Accordingly, the food sales at The Club accounted for only 21.56% of gross sales, which is less than the 30% food sales required by city ordinance. As supporting documentation of the amounts of food and liquor sales, The Club provided copies of their Kansas Retail Liquor Tax Returns which must be filed monthly for liquor sales and quarterly for food sales.

On June 28, 2004, Chief Williams sent a letter to James Carr, the licensee for The Club, informing him that the establishment was being reclassified immediately to a DE, since the food sales at the business did not meet the minimum amount required by ordinance. The licensee has elected to appeal the decision of Chief Williams in a letter from his attorney.

If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Chris O’Hara

Mr. O’Hara stated that he is appearing on behalf of the owner, Mr. James Carr, and The Club and that he would like to overturn the Police Chief’s order and believes that these numbers were not figured correctly. Stated that if you look at the numbers, they are divided into food sales and liquor sales and included in the liquor sales were soft drinks, which should be divided up and put with the food sales. Stated that they feel that these numbers are distorted that Mr. Carr would have met the 30% requirement had this been figured correctly. Stated that the City Ordinance says it is over a six-month period that this is supposed to be analyzed and that Mr. Carr’s was analyzed over a seven-month period. Stated that if Mr. Carr had time to comply or maybe time to refigure these numbers that he would meet the 30% requirement needed to stay open as a drinking establishment/restaurant.

Gary Rebenstorf

Director of Law stated that the materials that were attached to this agenda report are the documents that were provided by this establishment and the information that the Police Department used was the information from the establishment as to their breakdown of these Items regarding liquor, food and beverages. Stated that the police department did not manipulate any numbers, they took the numbers that were provided by the establishment. Regarding the six and seven month issue, the numbers that were provided were again provided by the establishment and were for a seven-month period. Stated that the definitions that are used in the Ordinance are sufficient to determine what is food, a beverage and alcohol. Stated that he also received from the Kansas Department of Revenue, the retail excise tax returns that have to be filed with them indicating when alcohol is served and the tax that is paid on that and those numbers also correspond to the numbers received from the company as to the amount of liquor that had been served by them. Stated that he feels that the Police Department had the sufficient information to make their calculations.

Council Member Schlapp momentarily absent.

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Mayor Mayans Mayor Mayans stated that the fact that the numbers that the Police Chief compiled were numbers provided by the establishment and the fact that the state came back with similar numbers tells him that these numbers are factual and that he is comfortable with upholding the Chief's decision.

Motion-- Mayans moved to uphold the decision of the Chief of Police to reclassify the local liquor license of The Club at 305 South St. Francis. Motion carried 6 to 0, (Brewer absent).

--carried

KTII

2004 FUNDING FOR KANSAS TECHNICAL TRAINING INITIATIVE.

Cathy Holdeman Interim City Manager reviewed the Item.

Council Member Martz momentarily absent.

Agenda Report No. 04-0744

On July 17, 2001, the City Council approved a contribution in the amount of \$50,000 to the Wichita Educational Foundation of Aviation Manufacturing to help fund the first year of a two-year program to develop a world-class manufacturing training center in Wichita. The City of Wichita is one of eight members of a steering committee that also includes Boeing, Bombardier, Cessna, Raytheon, the State of Kansas, Sedgwick County and USD #259. Each member of the steering committee was asked to contribute \$50,000 per year for two years. All members contributed in 2001.

The focus of the first year's activity was to engage the services of a consulting organization with expertise and experience in planning and implementing similar vocational training enterprises. The Center for Business and Technology with the Johnson County Community College ("JCCC") in Overland Park was engaged to conduct a study and recommend an approach for planning and implementation of the Wichita-based training endeavor, to be named the Kansas Technical Training Initiative.

On November 19, 2002 the second year of funding in the amount of \$50,000 was approved by the City Council. During the second year of activities, an executive director was hired and detailed planning was initiated for the actual implementation of manufacturing training programs. The initial programs focused on training airframe and power plant mechanics for the aviation industry, with a more varied program to follow.

During 2003 and the first half of 2004, KTII has experienced numerous accomplishments. The organization was able to secure financial assistance for dislocated workers (the City authorized at its April 1, 2003 up to \$200,000 for scholarships for dislocated workers). A short-term facility was secured for training operations. The KITE (Kansas Institute for Technical Excellence) organization was formed and is comprised of the Community Colleges of Cowley, Hutchison, Butler as well as the Wichita Area Technical College. This is a collaborative effort where the institutions come together to establish curriculum, develop best practices and provide training for area business and industry. The organization will also soon be working on securing a location for a state-of-the-art training facility in Wichita. The objective is to attract trainees from throughout the U.S.

Funding is again being requested in the amount of \$50,000 in 2004 and will be paid from the contingency in the Economic Development Fund. Contributions from the four aviation companies along with the City and County are being requested (and at least two have already remitted funds). The County will also seek governing body approval for its contribution.

The City Council has the legal authority to grant the requested funds.

Council Member Gray Council Member Gray stated that, being a representative of the Board of Trustees for the Wichita Area Technical College (WATC), this proposed site-training facility has been talked about and he would like to see it being explored as the main campus for the WATC.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

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- Morris Dunlap Mr. Dunlap stated that this is a very small part of a very big problem. Stated that we are going to run out of trained workforce and it is starting to happen now--the factories are calling people back to work. Stated that Cessna is building a new service facility and that they will employ about 500 people and he was told by the President of the WATC, that they do not have enough airplane and power plant mechanics in the pipeline today to fill the need that Cessna is going to have when that building opens later this year. Stated that we are looking at one element of a big picture and there is a lot of training that is going to have to take place. Asking the Council to keep the initiative and momentum going on this issue.
- Mayor Mayans Mayor Mayans stated that he is disappointed that our colleagues at USD 259, withdrew from this project and that their reasoning was that they are no longer associated with the vocational training. Stated that the children that go through USD 259, will become the workers of the future and it would behoove USD 259 to be involved with this project so that they have a feel for the requirements for the future workforce as far as training and that not everyone is cut out for college.
- Motion-- Mayans moved that a grant to the Kansas Technical Training Initiative in the amount of \$50,000 for 2004 be approved and the necessary budget adjustments authorized. Motion carried 6 to 0, (Brewer absent).
- carried

FURLEY PROPERTY EVALUATION OF PROPOSALS ON DEVELOPMENT OF FURLEY PROPERTY. **(DISTRICT II)**

Joe Pajor Natural Resources Director reviewed the Item.

Agenda Report No. 04-0745

On January 30, 2004 the City issued a Request for Proposals (RFP) for the development of property the City owns southeast of 85th Street North and Greenwich Road (111th Street East) (the Furley Property). The RFP closed on February 27, 2004. Proposals were received including one from Sedgwick County.

Sedgwick County submitted a "generic" proposal in response to the RFP to ensure that they had full standing in the development of a landfill on this property. For the development of a landfill to proceed it will be necessary for the County to certify that the project is consistent with its adopted solid waste management plan.

It will be most productive for the City and Sedgwick County to jointly select a preferred developer for a landfill on the Furley Property. In order for Sedgwick County to fully participate in the selection process, it is necessary for them to remove their proposal from further consideration. On Wednesday, July 14, 2004, Sedgwick County approved a motion to remove their proposal from further consideration.

It is now appropriate for the City to concur with the County's action to remove their proposal and for the City to add representation from Sedgwick County to the Staff Screening and Selection Committee (SSSC) so that the SSSC can make a recommendation to each governing body. AR 7 provides for the City Manager to appoint additional members to the SSSC. It is recommended that the standing members of the SSSC be augmented by up to a like number of members identified by Sedgwick County and appointed by the City Manager. The standing members of the SSSC consist of the following or their designees: City Manager; Director of Public Works; Director of Law; Director of Finance (or Purchasing Manager); Director of Planning; and City Engineer.

The SSSC will evaluate the financial aspects and impacts of the proposals on the City and County and will include this information in their recommendation of a preferred developer for the site.

Once a preferred developer is selected, the Law Department will approve as to form a development agreement for the site. The agreement would be then be presented to the City and County as appropriate for their consideration.

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Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the City Council concur with Sedgwick County's action to remove its proposal submitted in response to the City's Request for Proposals on the Development of the Furley Property and that the City Manager be directed to appoint up to six additional members of the Staff Screening and Selection Committee as identified by Sedgwick County. The Staff Screening and Selection Committee is to then return to the City Council and/or the Board of Sedgwick County Commissioners, as appropriate, with its recommendation as to a preferred developer for the site.

--carried Motion carried 6 to 0, (Brewer absent).

CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Martz Council Member Martz requested that the following people be reappointed to DAB V: Dave Dennis, Dave Almes, DeAnn Sullivan, Ann Welborn, John Marker, Mo Ediger, Andy Johnson, Bob Bulman and Steve Winslow.

Council Member Schlapp Council Member Schlapp requested that Don Anderson be appointed to the Wichita Public Building Commission.

Motion--carried Mayans moved that the appointments be approved. Motion carried 6 to 0, (Brewer absent).

TRAVEL EXPENSES

APPROVAL OF TRAVEL EXPENSES FOR MAYOR MAYANS FOR SISTER CITIES OFFICIAL VISIT TO TLALNEPANTLA, MEXICO, SEPTEMBER 13-18, 2004.

Motion--carried Gray moved that the expenditures be approved. Motion carried 5 to 1, (Lambke no, Brewer absent).

CONSENT AGENDA

Council Member Fearey Council Member Fearey requested that Item 21 be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda, except Item 21, be considered as consensus Items.

--carried Motion carried 6 to 0, (Brewer absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 19, 2004.

Bids were opened July 16, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

War Industries Relief Sewer Phase 4, from Harry to Kellogg - West of Rock Road at Harry, to East of Rock Road at Kellogg. (468-83487/623324/682326) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Utility Contractors - \$2,530,419.75

2004 Sanitary Sewer Rehabilitation, Phase D - North of Pawnee, between Meridian and Rock Road. (468-83841/620410/664530) Traffic shall be maintained during construction using flagpersons and barricades. (Districts II,III,VI)

Insituform Technologies USA - \$178,266.50

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Water Distribution System to Serve Booher Second Addition - South of 55th Street South, West of Seneca. (448-89459/735188/470858) Does not affect existing traffic. (District IV)

Wilks Underground - \$14,992.00

Hydraulic Drive from the North Line of Lot 8, Block 2, to the South Line of Lot 2, Block 2 to Serve Pine Bay Estates Addition - East of Hydraulic, South of 63rd Street South. (472-83967/765879/490990) Does not affect existing traffic. (District III)

Kansas Paving Company - \$129,671.30

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Brewer absent).

--carried

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Furnish and Install Audio System City Arts.

Electronic Contracting Company - \$12,157.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Overhead Door-Century II.

Cheney Door Co. - \$18,149.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Furnace and A/C at Botanica.

Comfort Systems - \$8,295.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Moveable Wall Track Replacement:

Western Fireproofing - \$28,000.00 (Group 1 base bid)
\$ 550.00 (Group 1/option 1)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Ferrous Chloride.

OFS Inc.* - \$255,900.00 (Group 1 base bid)

*Award redirected. Estimate – Contract approved on unit cost basis; refer to attachments.

FINANCE DEPARTMENT-IT/IS DIVISION: Software for Vgov Project/RQ401353.

Software House International* - \$12,445.30 (as per State of Kansas Contract #07359).

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0,(Brewer absent).

--carried

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PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) 2004-2005 CDBG Neighborhood Stabilization Aley Park Parking Lot Improvements - south of Esthner, west of Seneca. (472-84059/792310/435272) Does not affect existing traffic. (District IV) - \$50,000.00
- b) 2004 Park Asphalt Parking Lot and Entry Drive Resurfacing Improvements - north of Pawnee, east of Maize. (472-83923/785041/210200/210300/210500/394173) Does not affect existing traffic. (Districts I,III,IV,V,VI) - \$133,190.00
- c) Water Distribution System to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (448-89713/735199/470869) Does not affect existing traffic. (District III) - \$124,000.00
- d) Storm Water Sewer #574 to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (468-83485/751370/485261) Does not affect existing traffic. (District III) - \$216,000.00
- e) Lateral 91, Main 1 Southwest Interceptor Sewer to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (468-83484/744064/480752) Does not affect existing traffic. (District III) - \$274,000.00
- f) Water Distribution System to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89734/735189/470859) Does not affect existing traffic. (District II) - \$51,000.00
- g) 37th Street North, from Tyler Road to Ridge Road to serve Avalon Park Addition (472-83948/765851/ 490962) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$149,800.00
- h) Canal route manhole reconstruction, Phase 2 - along I-135 between Waterman and 15th Street North. (468-83491/624007/652526) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$351,999.00
- i) Kellogg Avenue (US 54)/Rock Road Interchange, Part 7: Grading, Concrete Pavement, Utilities, Seeding (Temporary) and Lighting between Rock Road and KTA south of existing Kellogg Avenue - south of Kellogg between Rock Road and KTA. (472-84063/702336/401352) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$3,099,134.60
- j) 2004 sanitary sewer reconstruction, Phase 8 - north of Kellogg, between 119th Street West and Oliver (468-83848/620409/664529) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,V,VI) - \$280,000.00
- k) 2004-2005 CDBG Street, Curb, Gutter & Sidewalk - north of 11th Street North, east of Washington. (472-83905/602551/800402/010111) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$143,500.00
- l) 2004 condemned sidewalk and wheelchair ramps - north of 71st Street South, east of 135th Street West. (472-84061/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$161,580.00
- m) Lateral 9, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83689/744066/480754) Does not affect existing traffic. (District V) - \$189,300.00
- n) Water distribution system to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89867/735202/470872) Does not affect existing traffic. (District V) - \$70,800.00
- o) Water distribution system to serve Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. (448-89495/735200/470870) Does not affect existing traffic. (District II) - \$27,600.00

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- p) Canal route manhole reconstruction, Phase 2 - along I-135 between Waterman and 15th Street North. (468-83491/624007/652526) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$351,999.00
- q) Kellogg Avenue (US 54)/Rock Road Interchange, Part 7: Grading, Concrete Pavement, Utilities, Seeding (Temporary) and Lighting between Rock Road and KTA south of existing Kellogg Avenue - south of Kellogg between Rock Road and KTA. (472-84063/702336/401352) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$3,099,134.60
- r) 2004 sanitary sewer reconstruction, Phase 8 - north of Kellogg, between 119th Street West and Oliver (468-83848/620409/664529) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,V,VI) - \$280,000.00
- s) 2004-2005 CDBG Street, Curb, Gutter & Sidewalk - north of 11th Street North, east of Washington. (472-83905/602551/800402/010111) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$143,500.00
- t) 2004 condemned sidewalk and wheelchair ramps - north of 71st Street South, east of 135th Street West. (472-84061/132100/) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V,VI) - \$161,580.00
- u) Lateral 9, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83689/744066/480754) Does not affect existing traffic. (District V) - \$189,300.00
- v) Water distribution system to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89867/735202/470872) Does not affect existing traffic. (District V) - \$70,800.00
- w) Water distribution system to serve Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. (448-89495/735200/470870) Does not affect existing traffic. (District II) - \$27,600.00
- x) Cost of Lateral 143, Main 4, Sanitary Sewer #23 to serve Lots 8 and 9 of Mileen Acres Addition (south of 29th Street North, west of Arkansas) (District I) – Total Estimated Cost \$9,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Brewer absent).

COST STATEMENTS STATEMENTS OF COST:

WATER

- a) Improving Water Distribution System to serve The Collective Addition (south of 21st Street North, west of 127th Street East). Total Cost - \$37,425.89 (plus idle fund interest - \$114.28 plus temporary note interest - \$389.83). Financing to be issued at this time - \$37,930.00. (735139/448-89646/470-809).
- b) Improving Water Distribution System to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$53,501.95 (plus idle fund interest - \$156.05, plus temporary note interest - \$556.00). Financing to be issued at this time - \$54,214.00. (735137/448-89660/470-807).
- c) Improving Water Distribution System to serve Wichita Heights High School Addition (south of 53rd Street North, west of Hillside). Total Cost - \$143,549.65 (plus idle fund interest - \$893.55, plus temporary note interest - \$1,521.80). Financing to be issued at this time - \$145,965.00. (735101/448-89739/470-771).

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- d) Improving Water Distribution System to serve Woodland Estates Lakes 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$34,636.34 (plus idle fund interest - \$100.66, plus temporary note interest - \$200.00). Financing to be issued at this time - \$34,937.00. (735173/448-89786/470-843).
- e) Improving Water Distribution System to serve Willowbend North Estates 2nd Addition (south of 43rd Street North, west of Rock). Total Cost - \$27,001.47 (plus idle fund interest - \$149.90, plus temporary note interest - \$165.63). Financing to be issued at this time - \$27,317.00. (735144/448-89865/470-814).
- f) Improving Water Distribution system to serve Dugan Industrial 2nd Addition (north of K-42 Highway, east of Maize). Total Cost - \$36,277.28 (plus idle fund interest - \$94.49, plus temporary note interest - \$359.23). Financing to be issued at this time - \$36,731.00. (735143/448-89871/470-813).
- g) Improving Water Distribution System to serve Wilson Farms 4th Addition (south of 21st Street North, west of Webb). Total Cost - \$36,222.76 (plus idle fund interest - \$103.79 plus temporary note interest - \$380.45). Financing to be issued at this time - \$36,707.00. (735145/448-89875/470-815).
- h) Improving Water Distribution System to serve Wilson Estates Medical Park 2nd Addition (south of 21st Street North, west of Webb). Total Cost - \$25,817.65 (plus idle fund interest - \$104.10, plus temporary note interest - \$156.25). Financing to be issued at this time - \$26,078.00. (735158/448-89884/470-828).
- i) Improving Water Distribution System to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$61,528.63 (plus idle fund interest - \$162.62 plus temporary note interest - \$368.75). Financing to be issued at this time - \$62,060.00 (735169/448-89910/470-839).
- j) Improving Water Distribution System to serve Tara Falls Addition (south of Harry, west of 127th Street East). Total Cost - \$45,742.72 (plus idle fund interest - \$185.28, plus temporary note interest - \$275.00). Financing to be issued at this time - \$46,203.00. (735148/448-89880/470-818).
- k) Improving Water Distribution System to serve Shoal Creek 2nd Addition (south of Central, west of 143rd Street East). Total Cost - \$38,231.88 (plus idle fund interest - \$239.87, plus temporary note interest - \$231.25). Financing to be issued at this time - \$38,703.00. (735147/448-89861/470-817).
- l) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of - \$32,240.12 (plus idle fund interest - \$90.40, plus temporary note interest - \$335.48). Financing to be issued at this time - \$32,666.00. (735140/448-89833/470-810).
- m) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$34,932.25 (plus idle fund interest - \$107.65, plus temporary note interest - \$351.10). Financing to be issued at this time - \$35,391.00. (735141/448-89834/470-811).
- n) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$18,917.65 (plus idle fund interest - \$50.80, plus temporary note interest - \$189.55). Financing to be issued at this time - \$19,158.00. (735142/448-89835/470-812).
- o) Improving Water Distribution to serve Hawthorne 2nd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$39,237.87 (plus idle fund interest - \$151.88, plus temporary note interest - \$231.25). Financing to be issued at this time - \$39,621.00. (735151/448-89728/470-823).
- p) Improving Water Distribution System to serve Pine Meadow 2nd Addition (south of 13th Street North, east of Greenwich). Total Cost - \$15,547.34 (plus idle fund interest - \$81.91, plus temporary note interest - \$93.75). Financing to be issued at this time - \$15,723.00. (735152/448-89648/470-822).

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- q) Improving Water Supply Line along Pawnee to serve Flat Creek Addition (north of Pawnee, east of 119th Street West). Total Cost - \$29,100.22 (plus idle fund interest - \$152.78, plus temporary note interest - \$175.00). Financing to be issued at this time - \$29,428.00. (735150/448-89581/470-820).
- r) Improving Water Distribution System to serve Flat Creek Addition (north of Pawnee, east of 119th Street West). Total Cost - \$64,486.69 (plus idle fund interest - \$301.56, plus temporary note interest - \$393.75). Financing to be issued at this time - \$65,182.00. (735149/448-89584/470-819).
- s) Improving Water Distribution System to serve Grace Park Addition (north of Pawnee, east of Greenwich). Total Cost - \$49,129.98 (plus idle fund interest - \$178.26, plus temporary note interest - \$521.76). Financing to be issued at this time - \$49,830.00. (735133/448-89842/470-803).
- t) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$40,820.93 (plus idle fund interest - \$297.32, plus temporary note interest - \$93.75). Financing to be issued at this time - \$41,212.00. (735184/448-89836/470-854).
- u) Improving Water Distribution System to serve Crystal Creek Addition (north of Harry, west of Webb) Total Cost - \$97,448.22 (plus idle fund interest - \$434.28, plus temporary note interest - \$587.50). Financing to be issued at this time - \$98,470.00. (735146/448-89859/470-816).
- v) Improving Water Distribution System to serve Evergreen 4th Addition (south of 29th Street North, west of Maize). Total Cost - \$59,795.71 (plus idle fund interest - \$156.79, plus temporary note interest - \$362.50). Financing to be issued at this time - \$60,315.00. (735163/448-89831/470-833).
- w) Improving Water Distribution system to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East). Total Cost - \$73,069.70 (plus idle fund interest - \$258.02, plus temporary note interest - \$770.28). Financing to be issued at this time - \$74,098.00. (735129/448-89807/470-799).
- x) Improving Water Distribution System to serve Savanna at Castle Rock Ranch 5th & 7th Additions (north of 13th Street North, east of 143rd Street East). Total Cost - \$35,652.66 (plus idle fund interest - \$112.71, plus temporary note interest - \$215.63). Financing to be issued at this time - \$35,981.00. (735157/448-89860/470-827).
- y) Improving Water Distribution System to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$124,666.57 (plus idle fund interest - \$699.80, plus temporary note interest - \$1,381.63). Financing to be issued at this time - \$126,748.00. (735111/448-89765/470-781).
- z) Improving Water Distribution System to serve Eagles Landing at North Oliver 3rd Addition (west of Oliver, south of 45th Street North). Total Cost - \$39,005.65 (plus idle fund interest - \$125.10, plus temporary note interest - \$231.25). Financing to be issued at this time - \$39,362.00. (735164/448-89906/470-834).
- aa) Improving Water Distribution System to serve Liberty Park 2nd, Copper Gate Estates, Copper Gate and Heritage Baptist Church Additions (north and south of 13th, on both side of 135th Street West). Total Cost - \$202,769.87 (plus idle fund interest - \$1,444.67, plus temporary note interest - \$2,398.46). Financing to be issued at this time - \$206,613.00. (735106/448-89745/470-776).
- bb) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$67,484.06 (plus idle fund interest - \$276.75, plus temporary note interest - \$688.19). Financing to be issued at this time - \$68,449.00. (735138/448-89832/470-808).
- cc) Improving Water Distribution System to serve Eagles Landing at North Oliver 3rd Addition (west of Oliver, south of 45th Street North). Total Cost - \$34,194.10 (plus idle fund interest - \$68.65, plus temporary note interest - \$206.25). Financing to be issued at this time - \$34,469.00. (735165/448-89907/470-835).

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dd) Improving Water Supply Line to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$40,997.68 (plus idle fund interest - \$306.39, plus temporary note interest - \$423.93). Financing to be issued at this time - \$41,728.00. (735116/448-89781/470-786).

ee) Improving Water Distribution System to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$115,577.89 (plus idle fund interest - \$485.98, plus temporary note interest - \$1,308.13). Financing to be issued at this time - \$117,372.00. (735117/448-89782/470-787).

ff) Improving Water Distribution System to serve The Legacy Addition (north of 47th Street South, west of Meridian). Total Cost - \$31,689.42 (plus idle fund interest - \$104.58, plus temporary note interest - \$200.00). Financing to be issued at this time - \$31,994.00. (735162/448-89902/470-832).

gg) Improving Water Distribution System to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$47,530.91 (plus idle fund interest - \$325.78, plus temporary note interest - \$433.31). Financing to be issued at this time - \$48,290.00. (735123/448-89791/470-793).

hh) Improving Water Distribution System to serve Thunderbird Office Park Addition (south of Maple, west of 119th Street West). Total Cost - \$27,539.59 (plus idle fund interest - \$79.66, plus temporary note interest - \$168.75). Financing to be issued at this time - \$27,788.00. (735166/448-89899/470-8.36).

SEWER

ii) Improving Lateral 270, Main 5, Sanitary Sewer No. 22 to serve an Unplatted Tract (north of 8th, west of Hoover). Total Cost - \$6,698.16 (plus idle fund interest - \$82.84, plus temporary note interest - \$0). Financing to be issued at this time - \$6,781.00. (744004/468-83666/480-692).

jj) Improving Lateral 37, Cowskin Interceptor Sewer to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$50,374.10 (plus idle fund interest - \$135.90, plus temporary note interest - \$300.00, plus Sanitary Sewer Main Fee - \$21,328.00). Financing to be issued at this time - \$72,138.00. (744045/468-83634/480-733).

kk) Improving Lateral 8, Main 19, Southwest Interceptor Sewer to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$66,183.62 (plus idle fund interest - \$192.38, plus temporary note interest - \$400.00). Financing to be issued at this time - \$66,776.00. (744036/468-83688/480-724).

ll) Improving Lateral 42, Main 15, Southwest Interceptor Sewer to serve Lake Ridge Commercial 2nd Addition (north of 21st Street, east of Ridge). Total Cost - \$11,525.68 (plus idle fund interest - \$124.32, plus temporary note interest - \$0). Financing to be issued at this time - \$11,650.00. (744040/468-83769/480-728).

mm) Improving Lateral 35, Main 1, Cowskin Interceptor Sewer to serve Thunderbird Office Park Addition (west of 119th Street West, south of Maple). Total Cost - \$31,220.62 (plus idle fund interest - \$97.88 plus temporary note interest - \$187.50). Financing to be issued at this time - \$31,506.00. (744030/468-83425/480-718).

nn) Improving Lateral 66, Main 4, Southwest Interceptor Sewer to serve University and Ridge Addition (south of Maple, east of Ridge). Total Cost - \$19,267.48 (plus idle fund interest - \$76.02 plus temporary note interest - \$112.50). Financing to be issued at this time - \$19,456.00. (744032/468-83744/480-720)

oo) Improving Lateral 2, Main 11, Four Mile Creek Sewer to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$120,280.84 (plus idle fund interest - \$513.96 plus temporary note interest - \$1,233.20). Financing to be issued at this time - \$122,028.00. (743996/468-83401/480-684).

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- pp) Improving Lateral 354, Four Mile Creek Sewer to serve Crystal Creek Addition (north of Harry, west of Greenwich). Total Cost - \$162,527.40 (plus idle fund interest - \$860.10 plus temporary note interest - \$987.50). Financing to be issued at this time - \$164,375.00. (744007/468-83677/480-695).
- qq) Improving Lateral 355, Four Mile Creek Sewer to serve Crystal Creek Addition (north of Harry, west of Greenwich). Total Cost - \$45,140.81 (plus idle fund interest - \$237.19 plus temporary note interest - \$275.00). Financing to be issued at this time - \$45,653.00. (744008/468-83678/480-696).
- rr) Improving Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition (north of 31st Street South, west of Maize). Total Cost - \$318,730.78 (plus idle fund interest - \$1,151.97 plus temporary note interest - \$1,781.25). Financing to be issued at this time - \$321,664.00. (744025/468-83658/480-713).
- ss) Improving Lateral 497, Southwest Interceptor Sewer to serve The Legacy Addition (west of Meridian, south of MacArthur). Total Cost - \$139,883.71 (plus idle fund interest - \$498.79 plus temporary note interest - \$812.50 plus Sanitary Sewer Main Fee - \$26,600.00). Financing to be issued at this time - \$167,795.00. (744027/468-83742/480-715).
- tt) Improving Lateral 33 Cowskin Interceptor Sewer to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$27,564.57 (plus idle fund interest - \$281.43 plus temporary note interest - \$0). Financing to be issued at this time - \$27,846.00. (744048/468-83549/480-736).
- uu) Improving Lateral 65, Main 4, Southwest Interceptor Sewer to serve Unplatted Tracts (along Socora, north of Maple). Total Cost - \$75,594.68 (plus idle fund interest - \$269.42 plus temporary note interest - \$785.90). Financing to be issued at this time - \$76,650.00. (743945/468-83503/480-633).
- vv) Improving Lateral 50, Main 2, Sanitary Sewer No. 22 to serve Westway Addition (south of Pawnee, west of Seneca). Total Cost - \$24,699.55 (plus idle fund interest - \$97.23, plus temporary note interest - \$187.50). Financing to be issued at this time - \$30,764.00. (744031/468-83754/480-719).
- ww) Improving Lateral 4, Main 1, Northwest Interceptor Sewer to serve Evergreen 4th Addition (south of 29th Street North, west of Maize). Total Cost - \$141,948.26 (plus idle fund interest - \$418.49 plus temporary note interest - \$856.25). Financing to be issued at this time - \$143,223.00. (744028/468-83539/480-716).
- xx) Improving Lateral 4, Main 13, Sanitary Sewer No. 23 to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside). Total Cost - \$231,930.10 (plus idle fund interest - \$1,211.92, plus temporary note interest - \$2,497.98). Financing to be issued at this time - \$235,640.00. (743976/468-83574/480-664).
- yy) Improving Lateral 357, Four Mile Creek Sewer to serve Tara Falls Addition (south of Harry, west of 127th Street East) Total Cost - \$56,923.05 (plus idle fund interest - \$235.20 plus temporary note interest - \$343.75). Financing to be issued at this time - \$57,502.00. (744010/468-83706/480-698).
- zz) Improving Lateral 86, Main 22, War Industries Sewer to serve Wilson Farms 4th Addition (south of 21st Street North, west of Webb). Total Cost - \$63,377.22 (plus idle fund interest - \$196.19 plus temporary note interest - \$644.59). Financing to be issued at this time - \$64,218.00. (744006/468-83696/480-694).
- aaa) Improving Lateral 9, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$137,855.30 (plus idle fund interest - \$396.45 plus temporary note interest - \$831.25). Financing to be issued at this time - \$139,083.00. (744035/468-83757/480-723).
- bbb) Improving Lateral 352 Four Mile Creek Sewer to serve Grace Park Addition (north of Harry, east of Greenwich). Total Cost - \$71,882.32 (plus idle fund interest - \$349.26 plus temporary note interest - \$742.42). Financing to be issued at this time - \$72,974.00. (743995/468-83654/480-683).

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ccc) Improving Lateral 67, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates 2nd Addition (west of Rock, south of 45th Street North). Total Cost - \$67,668.12 (plus idle fund interest - \$369.41 plus temporary note interest - \$412.47). Financing to be issued at this time - \$68,450.00. (744003/468-83686/480-691).

ddd) Improving Lateral 41, Main 15, Southwest Interceptor Sewer to serve English Country Gardens Addition (east of Tyler, north of 13th Street North). Total Cost - \$155,563.81 (plus idle fund interest - \$802.19 plus temporary note interest - \$625.00). Financing to be issued at this time - \$156,991.00. (744038/468-83755/480-726).

eee) Improving Lateral 3, Main 10, Four Mile Creek Sewer to serve The Collective Addition (east of K-96, south of 21st Street North). Total Cost - \$99,325.58 (plus idle fund interest - \$344.71 plus temporary note interest - \$989.71). Financing to be issued at this time - \$100,660.00. (744001/468-83371/480-689).

fff) Improving Lateral 5, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$257,986.77 (plus idle fund interest - \$995.78 plus temporary note interest - \$2,654.45). Financing to be issued at this time - \$261,637.00. (743997/468-83643/480-685).

ggg) Improving Lateral 6, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$47,687.23 (plus idle fund interest - \$171.33 plus temporary note interest - \$449.44). Financing to be issued at this time - \$48,308.00. (743998/468-83644/480-686).

hhh) Improving Lateral 7, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$66,652.41 (plus idle fund interest - \$238.14 plus temporary note interest \$683.45). Financing to be issued at this time - \$67,574.00. (743999/468-83645/480-687).

iii) Improving Lateral 343, Four Mile Creek Sewer to serve Sierra Hills and Equestrian Estates Additions (east of 127th Street East, north of Pawnee). Total Cost - \$414,637.77 (plus idle fund interest - \$2,234.39 plus temporary note interest - \$4,464.84). Financing to be issued at this time - \$421,337.00. (743977/468-83583/480-665).

jjj) Improving Lateral 356, Four Mile Creek Sewer to serve Castle Rock Ranch 5th & 7th Additions (north of 13th Street North, east of 143rd Street East). Total Cost - \$67,329.85 (plus idle fund interest - \$246.90 plus temporary note interest - \$406.25). Financing to be issued at this time - \$67,983.00. (744023/468-83681/480-711).

kkk) Improving Lateral 493, Southwest Interceptor Sewer to serve Shelly's Orchard Addition (east of Maize, north of Pawnee). Total Cost - \$49,232.53 (plus idle fund interest - \$214.06 plus temporary note interest - \$497.41). Financing to be issued at this time - \$49,944.00. (743994/468-83641/480-682).

lll) Improving Main 6, Northwest Interceptor Sewer (west of Tyler, south of 37th Street North). Total Cost - \$358,423.03 (plus idle fund interest - \$2,006.68 plus temporary note interest - \$7,201.29). Financing to be issued at this time - \$367,631.00. (743925/468-83423/480-613).

mmm) Improving Lateral 359, Four Mile Creek Sewer to serve Killenwood Pointe Addition (south of 13th Street North, east of Greenwich). Total Cost - \$25,443.97 (plus idle fund interest - \$130.15 plus temporary note interest - \$146.88). Financing to be issued at this time - \$25,721.00. (744020/468-83724/480-708).

nnn) Improving Lateral 340, Four Mile Creek Sewer to serve Tara Falls Addition (south of Harry, east of Greenwich). Total Cost - \$131,482.86 (plus idle fund interest - \$570.40 plus temporary note interest - \$1,956.74). Financing to be issued at this time - \$134,010.00. (743968/468-83526/480-656).

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ooo) Improving Lateral 1, Main 14, Four Mile Creek Sewer to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$267,141.69 (plus idle fund interest - \$1,290.71 plus temporary note interest - \$3,941.60). Financing to be issued at this time - \$272,374.00. (743962/468-83566/480-650).

ppp) Improving Lift Station and Force Main for Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition (north of 47th Street South, east of Hoover). Total Cost - \$630,850.04 (plus idle fund interest - \$3,205.10 plus temporary note interest - \$8,228.86). Financing to be issued at this time - \$642,284.00. (743949/468-83428/480-637).

qqq) Improving Main 13, Part G, Sanitary Sewer #23 to serve two unplatted tracts located east of Hillside, south of 53rd Street North. Total Cost - \$33,430.00 (plus idle fund interest - \$279.00 plus temporary note interest - \$0). Financing to be issued at this time - \$33,709.00. (744017/468-83461/480-705).

rrr) Improving Main 13, Part H, Sanitary Sewer #23 to serve two unplatted tracts located east of Hydraulic, north of 37th Street North. Total Cost - \$33,430.00 (plus idle fund interest - \$279.00 plus temporary note interest - \$0). Financing to be issued at this time - \$33,709.00. (744017/468-83461/480-705).

STORM WATER SEWER AND STORM WATER DRAIN

sss) Improving Storm Water Drain No. 166 to serve Remington Place Addition (east of Webb, south of 21st Street North). Total Cost - \$225,892.00 (plus idle fund interest - \$1,060.87 plus temporary note interest - \$2,969.13). Financing to be issued at this time - \$229,922.00. (751322/468-83253/485-213).

ttt) Improving Storm Water Drain No. 186 to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$130,058.60 (plus idle fund interest - \$483.60 plus temporary note interest - \$1,318.80). Financing to be issued at this time - \$131,861.00. (751339/468-83404/485-230).

uuu) Improving Storm Water Drain No. 203 to serve Clear Creek Addition (west of 143rd Street East, south of Kellogg). Total Cost - \$312,117.07 (plus idle fund interest - \$1,198.18 plus temporary note interest - \$3,048.75). Financing to be issued at this time - \$316,364.00. (751337/468-83613/485-228).

vvv) Improving Storm Water Drain No. 206 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$91,000.00 (plus idle fund interest - \$401.25 plus temporary note interest - \$671.75). Financing to be issued at this time - \$92,073.00. (751341/468-83651/485-232).

www) Improving Storm Water Drain No. 210 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$143,785.64 (plus idle fund interest - \$667.46 plus temporary note interest - \$954.90). Financing to be issued at this time - \$145,408.00. (751343/468-83670/485-234).

xxx) Improving Storm Water Drain No. 211 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$177,892.47 (plus idle fund interest - \$683.03 plus temporary note interest - \$1,190.50). Financing to be issued at this time - \$179,766.00 (751344/468-83671/485-235).

yyy) Improving Storm Water Sewer No. 590 to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler). Total Cost - \$173,692.10 (plus idle fund interest - \$648.60 plus temporary note interest - \$1,581.30). Financing to be issued at this time - \$175,922.00. (751342/468-83653/485-233).

zzz) Improving Storm Water Sewer No. 602 to serve Thunderbird Office Park Addition (west of 119th Street, West, south of Maple). Total Cost - \$52,660.84 (plus idle fund interest - \$162.66 plus temporary note interest - \$312.50). Financing to be issued at this time - \$53,136.00. (751354/468-83746/485-245).

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aaaa) Improving Storm Water Sewer No. 580 to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$301,159.92 (plus idle fund interest - \$1,474.65 plus temporary note interest - \$3,078.43). Financing to be issued at this time - \$305,713.00. (751325/468-83551/485-216).

bbbb) Improving Storm Water Drain No. 99 to serve Forest Lakes Addition (north of 29th Street North, west of Ridge). Total Cost - \$253,385.62 (plus idle fund interest - \$1,183.65 plus temporary note interest - \$4,997.73). Financing to be issued at this time - \$259,567.00. (751315/468-82311/485-206).

cccc) Improving Storm Water Drain No. 195 to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$400,298.60 (plus idle fund interest - \$2,220.39 plus temporary note interest - \$4,798.01). Financing to be issued at this time - \$407,317.00. (751324/468-83550/485-215).

dddd) Improving Storm Water Drain No. 570 to serve Fossil Rim Estates Addition (east of Tyler, south of 29th Street North). Total Cost - \$726,768.31 (plus idle fund interest - \$3,677.13 plus temporary note interest - \$10,091.56). Financing to be issued at this time - \$740,537.00. (751318/468-83449/485-209).

eeee) Improving Storm Water Sewer No. 587 to serve Woodland Lakes Estates 3rd Addition (south of Lincoln, west of 127th Street East). Total Cost - \$340,041.83 (plus idle fund interest - \$1,267.87 plus temporary note interest - \$3,402.30). Financing to be issued at this time - \$344,712.00. (751336/468-83593/485-227).

ffff) Improving Storm Water Drain No. 183 to serve The Collective Addition (east of K-96, south of 21st Street North) Total Cost - \$169,137.09 (plus idle fund interest - \$585.46 plus temporary note interest - \$1,770.45). Financing to be issued at this time - \$171,493.00. (751340/468-83372/485-231).

gggg) Improving Storm Water Sewer No. 592 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$138,286.06 (plus idle fund interest - \$872.19 plus temporary note interest - \$843.75). Financing to be issued at this time - \$140,002.00. (751346/468-83571/485-237).

Motion--
-- carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 6 to 0, (Brewer absent).

SHADOW WOODS

PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE SHADOW WOODS ADDITION, WEST OF 135TH STREET WEST, NORTH OF MAPLE. (DISTRICT V)

Agenda Report No. 04-0746

On February 11, 2003, the City Council approved Petitions for paving, sanitary sewer and water distribution system in Shadow Woods Addition. The developer has submitted new Petitions to reflect changes to the marketing of lots within the addition. The signature on the new Petitions represents 100% of the improvement districts.

These projects will serve a new residential development located west of 135th Street West, north of Maple.

The Petitions total \$1,560,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Brewer absent)

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RESOLUTION NO. 04-360

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89792 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-361

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89793 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-362

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89984 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-363

Resolution of findings of advisability and Resolution authorizing improving of Lateral 35, Cowskin Interceptor Sewer, 468-83596 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-364

Resolution of findings of advisability and Resolution authorizing improving Cavit, from the north line of Lot 20, Block C, north and northeasterly to the west line of Decker, on Decker from the north line of Lot 23, Block D, north to the north line of Cavit, and on Burton, from the west line of Cavit, north to the northwesterly line of Lot 25, Block C. Sidewalk be constructed on one side of Burton, Cavit, and Decker, 472-83722 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-365

Resolution of findings of advisability and Resolution authorizing improving Decker and Decker Circle from the north line of Cavit, north to and including cul-de-sac, and on Texas from the east line of Decker, east to the east line of the Plat. Texas Court from the north line of Texas, north to and including cul-de-sac. Sidewalk on one side of Texas and Decker, 472-83723 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

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RESOLUTION NO. 04-366

Resolution of findings of advisability and Resolution authorizing improving City View from the north line of Lot 37, Block C, north to the northwest line of the Plat, and on Burton, from the east line of City View, east to the southeasterly line of Lot 26, Block C. Texas Cir. From the north line of Burton, northeasterly to and including cul-de-sac, and o Burton Ct. from the south line of Burton, south and east to and including the cul-de-sac. Sidewalk be constructed on one side of City View and Burton, 472-84060 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

PRAIRIE POINTE

PETITIONS FOR STREET PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS FOR PRAIRIE POINTE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 04-0747

The Petitions have been signed by three owners, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water distribution systems to a new residential development located north of 37th Street North, west of Maize.

The Petitions total \$1,711,890. The funding source is special assessments except for a water supply line petition, which also includes \$111,000 funded by the Water Utility for over-sizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Brewer absent)

RESOLUTION NO. 04-367

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89949 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-368

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System 448-89974 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-369

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 7, Northwest Interceptor Sewer, 468-83808 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

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RESOLUTION NO. 04-370

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 7, Northwest Interceptor Sewer, 468-83809 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-371

Resolution of findings of advisability and Resolution authorizing improving Manchester from the north line of 37th Street North to the north line of Lot 3, Block 3; and Waterside from the west line of Manchester to the west line of Lot 11, Block 4; and Waterside Courts (3) adjacent to Lots 1 thru 29 Block 1. Sidewalk to be installed along the north side of Waterside from Manchester to the west line of Lot 11, Block 4; the east side of Manchester from the north line of 37th Street North to Waterside and the west side of Manchester from Waterside to the north line of Lot 33, Block 4, 472-84023 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-372

Resolution of findings of advisability and Resolution authorizing improving Manchester from the north line of Lot 3, Block 3; to the north line of Lot 10, Block 3; and Havenhurst from the west line of Manchester to the west line of Lot 21, Block 4. Sidewalk to be installed along the west side of Manchester from the south line of Lot 32, Block 4 to the north line of Lot 30, Block 4, and the south side of Havenhurst from the east line of Lot 29, Block 4, to the west line of Lot 21, Block 4, 472-84042 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-373

Resolution of findings of advisability and Resolution authorizing improving Rutgers from the north line of 37th Street North to the north line of Lot 13, Block 2, Havenhurst from the east line of Lot 20, Block 4 to the west line of Lot 1, Block 5; Rutgers Court (2) adjacent to Lots 30 thru 37 and 39 thru 42, Block 1, and Waterside from Rutgers to the west line of Lot 29, Block 1. Sidewalk to be installed along the north side of Waterside from the east line of Lot 12, Block 4, to the east line of Rutgers, the east side of Rutgers, from Waterside to Havenhurst, the south side of Havenhurst adjacent to Lots 17 thru 20, Block 4 and the west side of Rutgers from 37th Street North to Waterside, 472-84043 (north of 37th street north, west of maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-374

Resolution of findings of advisability and Resolution authorizing constructing an asphalt mat paving improvements on 37th Street North from Maize Road to Manchester Road, 472-84044 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

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RESOLUTION NO. 04-375

Resolution of findings of advisability and Resolution authorizing constructing left turn lanes on 37th Street North for the entrances at Manchester Street and Rutgers Street, 472-84045 (north of 37th Street North, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

KRUG NORTH ADD. PETITIONS FOR PAVING AND SANITARY SEWERS TO SERVE KRUG NORTH ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0748

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and sanitary sewer service to a new residential development located north of 21st, west of 143rd Street East.

The Petitions total \$840,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
---carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Brewer absent)

RESOLUTION NO. 04-376

Resolution of findings of advisability and Resolution authorizing construction of Lateral 366, Four Mile Creek Sewer, 468-83789 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-377

Resolution of findings of advisability and Resolution authorizing construction of Lateral 367, Four Mile Creek Sewer, 468-83790 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-378

Resolution of findings of advisability and Resolution authorizing construction of Lateral 368, Four Mile Creek Sewer, 468-83791 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-379

Resolution of findings of advisability and Resolution authorizing improving an accel/decel lane on 21st Street North, 472-83977 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

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RESOLUTION NO. 04-380

Resolution of findings of advisability and Resolution authorizing improving a left turn lane on 143rd Street East to serve the northbound traffic, 472-83978 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

RESOLUTION NO. 04-381

Resolution of findings of advisability and Resolution authorizing improving a two-lane asphalt mat on 143rd Street East, from the north line of 21st Street North to the north line of 24th Street North, 472-83979 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

HARBOR HOUSE CDBG CONTRACT-CATHOLIC CHARITIES, INC. – HARBOR HOUSE.

Agenda Report No. 04-0749

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005-program year. Included in the 2004/2005 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract stipulates that Harbor House will provide shelter to a minimum of 300 women and children and outreach services to an additional 200. The contract term is twelve months beginning July 1, 2004 and ending June 30, 2005.

The contract amount for Harbor House is \$68,000 and is funded in the approved 2004/2005 CDBG budget.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

INDOCHINESE CNTR CDBG CONTRACT-WICHITA INDOCHINESE CENTER.

Agenda Report No. 04-0750

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005 program year. Included in the 2004/2005 CDBG allocations were funds for a summer youth employment program. Summer youth employment services were procured through a competitive Request for Proposal.

The contract with the Wichita Indochinese Center provides funds to pay salaries for 80 youth and costs of the ten non-profit agencies participating in the summer youth employment program. The contract term is twelve months beginning July 1, 2004 and ending June 30, 2005.

The contract amount is \$150,000 and is funded in the approved 2004/2005 CDBG budget.

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Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

WATER FEATURES

INTERACTIVE WATER FEATURES AT FAIRMOUNT AND OSAGE PARKS.

Agenda Report No. 04-0751

On December 16, 2003, the City Council approved the installation of Interactive Water Features at Fairmount and Osage Parks. The fountains will provide the public with aquatic recreation while avoiding costly maintenance and operating costs of swimming pools.

The City requested proposals (FP400032) from qualified design teams to provide design-build services of two interactive water features in Fairmount and Osage Parks in the City of Wichita. Of the eleven proposals received, the Staff Screening and Selection Committee selected four design teams for interviews as follows: Fountain Construction Company, Key Construction / Spangenburg Phillips, Simpson & Associates / Gossen Livingston, and Sutherland Builders / Rice Foster. The team of Key Construction / Spangenburg Phillips was selected based on experience on City of Wichita projects, design concept, and overall approach to the project. Fees for this Design-Build project will not exceed \$800,000.00, including reimbursable expenses, for the interactive fountains, and \$40,000.00 for the tuck point and wet seal of the existing recreation center at Osage Park.

Funding for both fountains are provided by the 2004-2013 Capital Improvement Program (CIP). The CIP includes \$400,000 for each fountain. The funding for the tuck point and wet seal of the Osage Park Recreation Center is provided by the Enhanced Building Maintenance fund in the amount of \$40,000.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

LEAD INVEST.

RENEWAL OF ENVIRONMENTAL LEAD INVESTIGATION CONTRACT WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.

Agenda Report No. 04-0752

Staff from the Department of Environmental Health performs environmental lead assessments in homes where children have been diagnosed as having elevated blood lead levels. Elevated blood lead levels lead pose physical risks that include developmental disabilities and learning impairment, and are especially serious in young children. Sources of lead include interior paint and plumbing, particularly in older houses. The work is performed under a contract with the Kansas Department of Health and Environment (KDHE). There is no staff able to perform this function but KDHE has provided lead assessor training for one Environmental Health employee. KDHE has offered renewal of the contract for state fiscal year 2005 (July 1, 2004 through June 30, 2005).

Ten to twenty assessments are conducted annually. The contract provides a needed service to citizens at no direct cost to the City.

KDHE pays the City \$150 per assessment to cover costs. Projected annual revenue ranges from \$1,500 to \$3,000.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

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CITYARTS

CITYARTS RELOCATION MARKETING SUPPORT.

Agenda Report No. 04-0753

CityArts works as an activity center for the arts, providing education, information, and opportunities to the citizens, youth, and special populations of the community. It is funded by the City and houses the Arts and Culture Division. The staff of the Arts and Cultural Division covers the gallery, classes, gift shop, other programming and rentals. CityArts provides low-cost classes to the general public in a wide variety of medium including glass blowing, ceramics, metal work and fiber art. CityArts offers classes to both adults and children of all ages. Free classes are offered to low income and at risk youth as well as special population groups such as ARC and YES! CityArts extends the art experience for school children with its Art Reach program for third grade and the School Sculpture program for fifth grade.

On October 1, 2004, after doing business at 225 W. Lewis for five years, CityArts will make way for the Water Walk project and officially begin doing business at its new home at 334 N. Mead in Old Town. To alert the public of this change, an official opening should be implemented.

The opening of the new building of CityArts plans to be a mix of a high-end celebration, public opening and advocacy for the arts community. With new high profile location on the plaza in Old Town, CityArts can become a wonderful vehicle for the cultural arts in Wichita. The opening events will be key in making people aware of its new positioning and the possibilities that the space and staff can provide. Also with the opening activities, it is important to develop and implement new materials including brochures, maps and event invitations to illustrate the opening of the facility and its amenities. Marketing staff would work with CityArts staff to develop and implement this first-class event. Wichita Arts and Humanities Council plans to ask sponsors for additional costs of the grand opening and will lead the effort for this event.

An allocation has been committed within the 2004 marketing budget in an amount of \$15,000 for this community event.

The agreement will be approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the agreement with the Wichita Arts and Humanities Council be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

COMMUNITY FOUNDATION

APPLICATION FOR WICHITA COMMUNITY FOUNDATION GRANT. (DISTRICT VI)

Agenda Report No. 04-0754

The Orchard Recreation Center, located at 4808 West 9th Street in District VI, offers recreational activities for youth ages 6-15 after school. An average of 50-75 middle school age participants (12-15 years of age) attend each day after school. The safety of all participants is very important. Community police assigned to the Orchard area are working very closely with the staff at the Orchard Recreation Center in making a positive impact on these youth. It is important that staff have the ability to monitor the hallways, be in contact with other staff during emergencies, and to monitor the movements of the youth while they are in the facility. Community Police have offered several recommendations as to how we can improve the security of the Center. Annual budget for the After School program at Orchard is \$16,720.

The Recreation Division of the Park and Recreation Department is requesting that the City Council approve the grant application to the Wichita Community Foundation in the amount of \$1,000. The grant money will be used to purchase four 800 MHz two-way radios that will have the ability to transmit anywhere within the park grounds and Recreation Center. Due to the configuration of the facility, it has been recommended that security mirrors be installed in the hallways so that the halls can be monitored more efficiently and upgrade the game room by purchasing additional game equipment.

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Purchasing this equipment will make the monitoring of the hallways easier and give the staff the ability to be in constant contact with other full time staff.

The estimated total cost for the grant project is \$1,000.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

LOGIC CONTROLLER PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT AND PURCHASE.

Agenda Report No. 04-0755

The Programmable Logic Controllers (PLCs) at Sewage Treatment Plant II are the backbone of the plant Supervisory Control and Data Acquisition System (SCADA). The existing PLCs are ten years old and have had two upgrades since they were installed. Each upgrade added equipment and programming, thus depleting the available capacity of the present PLCs.

Automation is essential to the wastewater treatment and processing capabilities and allows the National Pollutant Discharge Elimination System permit requirements to be consistently met. Due to limited remaining memory capacity of the present PLCs, additions cannot be made to the software programs. This prevents the addition of new equipment and makes programming modifications to existing process control strategies difficult and often impossible.

Replacing the existing PLCs with the GE Fanucs will allow for continued growth, which is critical for ongoing SCADA System improvements. The GE Fanuc is the PLC that the Water and Sewer Department is using as a standard. Logic Control Sales, Inc. is the regional factory representative and sole source for this equipment.

The cost to upgrade the existing 15K CPUs to 32K CPUs, with trade-in, is \$6,148. A 240K GE Fanuc CPU with the trade-in is \$1,352. Funding is available in CIP S-513, Sewage Treatment Plant #2 Improvements. Total costs are:

Hardware & Materials	\$67,000
Integration & Installation	80,000
Total	\$147,000

City Council approval is required for purchases over \$10,000. Purchase Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources without advertising for bids. The purchase will be made from Logic Control Sales, Inc.

Motion--
--carried

Mayans moved that the purchase from the sole source of supply and the subsequent bidding for installation and integration of the equipment be approved. Motion carried 6 to 0, (Brewer absent).

CHDO

CHDO OPERATING GRANTS. (DISTRICTS I, III, IV, V, AND VI)

Agenda Report No. 04-0756

On March 16, 2004, the City Council approved final allocations under the 2004-2005 Consolidated Plan, which included \$96,550 of Home Investment Partnership Program (HOME) funds for operational support funding for City-designated Community Housing Development Organizations (CHDO's). HOME regulations require a CHDO to be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization, in order to receive operational support funding. Operating expenses are defined as reasonable and necessary costs for the operation of the CHDO. Operating expenses may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible.

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Applications were issued to four City-designated CHDO's receiving project development funding from the City's HOME program. Applications were received from all four: Mennonite Housing Rehabilitation Services, Inc., Power CDC, Inc., Community Housing Services of Wichita/Sedgwick County, and Wichita Indochinese Center.

A staff review panel evaluated the proposals and makes the following recommendations for funding:

Mennonite Housing Rehabilitation Services (MHRS), \$31,000, in order to provide operational support for the organization's 2003 and 2004 Local Investment Area (LIA) Single-Family Development Projects, as well as its Hilltop Local Investment Area redevelopment projects. Current operational funding is being utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to identify project sites, identifies potential homebuyers, works with buyers to obtain permanent financing, and resolves lot split and utilities access issues.

During the 2003-2004 program year, MHRS completed construction and re-sale of 14 new homes within the City's LIA's, utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program.

Power CDC, \$31,000, in order to provide operational support for the organization's 2004 Single-Family Housing Development Project in the Northeast Local Investment Area, specifically, the McAdams neighborhood. The organization will also continue work on its single-family development project at 25th and Minnesota with funding provided under the Housing Development Loan Program. Operational funding will be utilized to partially fund the salaries of the Executive Director and the Administrative Assistant.

During the 2003-2004 program year, Power CDC completed construction and re-sale of nine homes utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program.

Community Housing Services (CHS), \$28,000, in order to provide operational support in connection with the organization's 2003 and 2004 HOME funding allocations for the renovation/re-sale of single-family homes acquired in the Northeast and North Central Local Investment Areas, as well as the construction of homes in the 1400 block of North Vassar. Operational funding will be utilized by CHS to partially fund the salaries of various staff members involved in HOME-funded housing development projects.

During the 2003-2004-program year, CHS completed rehabilitation/re-sale of one home under its CHDO set-aside funding agreements.

Wichita Indochinese Center (WIC), \$6,550, in order to provide operational support for the completion of at least one single-family home to be located on the Davidson cul-de-sac, a location where WIC has completed other affordable housing projects undertaken with State HOME funds. Operational funding will be utilized by WIC to partially fund the salary of the executive director, who is primarily responsible for the undertaking of HOME-funded housing development projects.

During the 2003-2004-program year, WIC made significant progress in the construction of a single-family home in Planeview, utilizing the Boarded-up HOME Program.

Funding for these allocations will come from the 2004-2005 HOME Grant, as previously allocated by the City Council.

Funding agreements will be approved as to form by the City Law Department.

Motion--
--carried

Mayans moved that the recommended allocations be approved; and staff authorized to negotiate the funding agreements and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

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CHILDCARE

RENEWAL OF CHILDCARE LICENSING GRANT.

Agenda Report No. 04-0757

The Environmental Health Department conducts inspections of childcare facilities and provides education for child care providers within Sedgwick County on behalf of the Kansas Department of Health and Environment (KDHE). KDHE provides an annual grant to fund these activities, and has offered funding for state fiscal year 2005.

City staff has provided child care licensing and education services for over thirty years and providing a local point of contact for citizens and providers. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Health staff enforces state regulations and utilize state enforcement mechanisms as appropriate.

The grant amount for state fiscal year 2005 totals \$278,250. The program is also supported by local inspection fees, which generate approximately \$193,000 annually.

Upon receipt, the grant contract will be approved by the Department of Law as to form.

Motion--
--carried

Mayans moved that the acceptance of the grant be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

ADULT CARE

RENEWAL OF ADULT CARE HOME INSPECTION GRANT.

Agenda Report No. 04-0758

The Environmental Health Department assists staff from the Kansas Department of Health and Environment (KDHE), upon request with inspections and investigation of complaints in adult care facilities within Sedgwick County. KDHE provides an annual grant to fund these activities and has offered renewal of the grant for state fiscal year 2005.

The vast majority of adult care home regulatory activities are carried out by KDHE staff. The grant provides KDHE with local resources when state staff are unavailable or require assistance.

The grant amount for state fiscal year 2003 totals \$30,000. Funds received help support the Adult Care Licensing program. Nurses assigned to Adult Care Licensing provide assistance to KDHE adult care home surveyors upon request.

Upon receipt, the Department of Law will approve the renewal contract as to form.

Motion--absent

Mayans moved that the acceptance of the grant be approved. Motion carried 6 to 0, (Brewer absent).

(Agenda Item No. 21)

NARCOTICS CANINE DONATIONS FOR THE PURCHASE OF A NARCOTICS DETECTION CANINE.

Agenda Report No. 04-0759

The Police Department began researching the acquisition of another drug-detecting dog for Field Services during the last half of 2003. Police found that during regular work shifts, street officers could utilize a drug-detecting dog on a daily basis. Upon learning about various aspects and requirements of the purchase of a dog and handler's training, the Police sought and obtained donations from several companies. A \$5,000 grant has been offered from the Milk-Bone and Dillon's companies to be used to purchase the dog itself. Police has also received donations of cash, veterinary care, a kennel for the officer's home, and dog food.

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The Police Department has identified a need for an additional drug-detecting dog that could assist the Department's Special Community Action Teams (SCAT) and Patrol officers with car stops to better address neighborhood drug complaints. Currently, the only drug-detecting dog used by the Department is assigned to the Special Investigations Bureau, Undercover Section, and works various times of the day and evening. The proposed Police dog would be assigned to the Field Services Division during evening/night hours to better serve street level officers.

The Police substations receive between 500-700 neighborhood complaints every year from citizens, many of which are centered on suspects selling narcotics. The Police Department has contacted 10 other comparable municipal police departments to inquire about their K-9 units. Every department has a K-9 unit, the largest belonging to the Tulsa Police Department with 12 dogs and the smallest unit in Lincoln, Nebraska with four dogs. The Sedgwick County Sheriff's Department currently has two working dogs assigned to road patrol and they are currently in the process of purchasing another dog to add to their unit.

The entire project will be funded through grants and donations, with the exception of one Police fleet vehicle, which will be converted to a K-9 vehicle. The package price for the narcotics detecting and evidence recovery dog and training from Elliot Canine is \$6,000. An additional charge of \$1,500 includes handler protection training as well. Police have received donations and have been made aware of additional grant funding sources to facilitate the purchase and care of the dog. These donations and grants are listed below:

1	Wichita Kennel Club, Wichita Dog Training Club,	\$3,000
	Wichita Veterinary Medical Assn, several individuals	
1	Dodge City Police Department	Car kennel
1	Wichita Fence Company	Home kennel
1	Solomon Veterinary Clinic	Veterinary care
1	Bed and Biscuit Pet Center	Dog food
1	Connie's Restaurant	\$300
1	Weed & Seed Grant Funding	Annual certification cost for 3 years

The Law Department will review and approve the donation of money and services in support of a K-9 program within Field Services.

Council Member Fearey Council Member Fearey stated that she was excited with the way this was funded and thanked the Police Department and funding sources that went into this. Stated that this shows how when we all work together we can do great things for our community.

Motion-- Fearey moved that the donation of money and services from entities willing to support a narcotics
--carried detection dog assigned to Field Services be approved. Motion carried 6 to 0, (Brewer absent).

SPORTS COMM.

GREATER WICHITA AREA SPORTS COMMISSION MEMBERSHIP RENEWAL.

Agenda Report No. 04-0760

The Greater Wichita Area Sports Commission was established in 1997 by a group of charter members that includes the City of Wichita, Sedgwick County, the Wichita Convention and Visitors Bureau and several area businesses. The membership has grown to currently include 53 "charter gold" members who pay annual dues of \$5,000 to belong to the organization. The City of Wichita has continued its membership from 1997 through 2003. Staff is seeking City Council approval to renew the City's membership for 2004.

The mission of the Greater Wichita Area Sports Commission is to enhance the quality of life and the economy by promoting, acquiring and supporting a diversity of youth, amateur and professional sporting programs and events. Sports Commission President Bob Hanson and his seven-person staff address this mission by sponsoring, coordinating, facilitating and providing logistical support to a number of sports events, ranging from the annual state high school wrestling tournament to the Johnny Bench Award honoring the outstanding college baseball catcher in the country. In addition, the Sports

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Commission is an active participant in community deliberations concerning sports forums and facilities, as well as a resource for requests, support and assistance for sports activities. The Greater Wichita Area Sports Commission is currently co-located with the Wichita Convention and Visitors Bureau.

Funds to pay the 2004 membership dues for the Greater Wichita Area Sports Commission in the amount of \$5,000 have been designated in the 2004 adopted general fund budget for non-departmental memberships.

Motion--

Mayans moved that the renewal of the City of Wichita membership in the Greater Wichita Area Sports Commission for 2004 be approved; and payment of dues be authorized. Motion carried 6 to 0, (Brewer absent).

-- carried

SHELPLER'S INC.

PURCHASE OPTION, SHEPLERS, INC. (DISTRICT V)

Agenda Report No.04-0761

On May 17, 1994, the City Council approved the issuance of \$1.4 in Industrial Revenue Bonds, Series V, 1994. Bond proceeds were used to construct and equip a 40,000 s.f. addition to the Sheplers catalog center located at 4950 S. Laura.

Under the terms of the Lease Agreement for the bond series, Sheplers, Inc. has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City of Wichita on July 9, 2004, received notice from Sheplers, Inc. of its request to exercise its purchase option.

Under the provisions of Sections 16.1 and 16.2 of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series V, 1994 Bonds matured by their terms on May 1, 2004. The City has received Trustee certification that the Bonds have been fully paid, and it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Sheplers, Inc. and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met.

Motion--

Mayans moved that the bond call be ratified; the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

--carried

RESOLUTION NO. 04-383

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Sheplers, Inc. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 13, 2004)

- a) Funeral processions.

ORDINANCE NO. 46-202

An Ordinance creating Chapter 11.37 of the Code of the City of Wichita, Kansas, pertaining to traffic regulations for funeral processions repealing Sections 11.38.130 and 11.38.140, pertaining to funeral processions, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- b) Funeral escort licensing.

ORDINANCE NO. 46-203

An Ordinance creating new Chapter 3.74 of the Code of the City of Wichita, Kansas, pertaining to licensing of funeral escort services and repealing the original of said Chapter 3.74, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- c) Tax exemption - Global Engineering & Technology, Inc. (District IV)

ORDINANCE NO.46-204

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Global Engineering & Technology, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 1. Yeas: Fearey, Gray, Martz, Schlapp, Mayans; (Lambke, no, Brewer absent).

- d) Tax exemption - ZTM, Inc. (District III)

ORDINANCE NO.46-205

An Ordinance of the City of Wichita, Kansas, amending operative Section 2 of Ordinance no. 44-839, and repealing the prior versions of such section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- e) Electric franchises for Butler Rural Electric Cooperative Association, Inc. (District II)

ORDINANCE NO.46-206

An Ordinance of the City of Wichita, Kansas, granting to Butler Rural Electric Cooperative Assn., Inc., its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

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- f) Housing Advisory Board.

ORDINANCE NO.46-207

An Ordinance amending Section 2.12.1170 of the Code of the City of Wichita, Kansas, pertaining to the composition and membership of the Housing Advisory Board, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- g) Boxing exhibitions.

ORDINANCE NO.46-208

An Ordinance repealing Chapter 3.77 of the Code of the City of Wichita, Kansas, pertaining to the Wichita Athletic Commission, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- h) Technical cleanup of sidewalk café Ordinances.

ORDINANCE NO.46-209

An Ordinance amending Section 10.04.131 and 10.04.132 of the Code of the City of Wichita, Kansas pertaining to street and sidewalks, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- i) 13th Street Bridge at Cowskin Creek between 135th Street West and 119th Street West.
(District V)

ORDINANCE NO.46-210

An Ordinance amending Ordinance No. 45-907 of the City of Wichita, Kansas declaring 13th Street North, from a point approximately 100 feet west of Azure to a point approximately 300 feet east of Cedar Park Street, including the 13th Street Bridge at Cowskin creek (472-83851) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

- j) ZON2004-00029 - generally located south of 33rd Street North and West of Amidon.
(District VI)

ORDINANCE NO.46-212

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2004-29

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k) ZON2004-00025-- generally located north of Zoo Boulevard and West of Westdale.
(District VI)

ORDINANCE NO.46-213

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2004-25

l) ZON2004-12 - located approximately one-quarter mile south of 37th Street North and east of Woodlawn. (District I)

ORDINANCE NO.46-214

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2004-12

m) ZON 2003-47 - located on the south side of 21st Street North and West of Broadway.
(District VI)

ORDINANCE NO.46-215

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2003-47

n) ZON2004-00027 – generally located at the northeast corner of 21st Street and Piatt.
(District I)

ORDINANCE NO.46-217

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2004-27

o) ZON2004-00028 – generally located approximately 100 feet south of west Central, east of Baehr (640 North Baehr). (District IV)

ORDINANCE NO.46-218

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent). ZON 2004-28

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p) A04-19 - Generally located north of 13th Street Between Webb Road and Greenwich Road.
(District II)

ORDINANCE NO.46- 216

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer). A04-19

PLANNING AGENDA

Motion--carried

Mayans moved that the Planning Agenda be approved as presented. Motion carried 6 to 0, (Brewer absent).

ZON2004-24

ZON2004-24-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO LIMITED INDUSTRIAL. GENERALLY LOCATED SOUTHEAST OF BROADWAY AVENUE AND THE INTERSTATE HIGHWAY-235 LOOP, MORE SPECIFICALLY APPROXIMATELY 300 FEET EAST OF BROADWAY AVENUE SOUTH OF 43RD STREET SOUTH AND ON THE NORTH SIDE OF SANTA FE AVENUE. (DISTRICT III)

Agenda Report No. 04-0762

MAPC Recommendations: Approve, subject to platting within one year and Protective Overlay. (12-0)
MAPD Staff Recommendations: Approve, subject to platting within one year and Protective Overlay.

The applicant is requesting rezoning of a 16-acre unplatted tract from "SF-5" Single-family Residential and "LC" Limited Commercial to "LI" Limited Industrial. The western quarter of the site is zoned "LC" and the remaining majority of the site is zoned "SF-5". The proposed use is to accommodate expansion of Mid-America Auto Auction, a wholesaler to auto dealers. The undeveloped tract is located south of 43rd Street South and approximately 300-feet east of Broadway Avenue and on the north side of Santa Fe Avenue. The subject site is separate from and northwest of the applicant's existing "Auto Auction" site.

The subject site is currently a vacant field, with mature hedge on its west and north sides. The subject site is part of an area between Broadway – Interstate Highway -235 – Interstate Highway -135 – 47th Street South, which is zoned mostly "LI" with "GC". The area's Broadway and 47th Street South frontage properties are developed with strip retail, free standing restaurants, fast food restaurants, car sales lots, manufactured home sales lots, a motel, a marine dealership, a fire station and a contractors yard.

The area's interior almost exclusively zoned "LI" properties are developed as the applicant's auto auction yard (built late 1970s and expanded in the early 1990s), a trucking company (built late 1970s) and warehouses built in the late 1970's through the 1990s. There is also a large amount of undeveloped "LI" zoned interior properties. The Riverside drainage channel, running northwest to southeast, splits this area in half. The drainage channel runs roughly parallel to the south side of Santa Fe Avenue, which abuts the site's south side. The drainage channel is not maintained by the City, but by the Riverside Drainage District, which is their own taxing entity.

Development and zoning immediately adjacent to the site include single-family residences, zoned "LC" and "SF-5", located across 43rd Street South on the site's north side. A fire station and a manufactured home sales lot, zoned "GC", abut the site's west side. Santa Fe Avenue abuts the site's south and southwest sides with the Riverside drainage channel running parallel to Santa Fe's south side and an office-warehouse and undeveloped "LI" zoned properties south of the channel and Santa Fe. There is also a trucking company, zoned "LI", abutting the southeast side of the site. The Interstate Highway - 235 – Interstate Highway -135 – 47th Street South interchange abuts the site's east side.

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The MAPC considered this case at their June 24, 2004 meeting and recommended approval (12-0) of the zoning change. No one spoke in opposition to the requested zoning change at the meeting. Planning Staff has not received any written protest or phone calls protesting the requested zoning change.

Motion--

Mayans moved to concur with the findings of the MAPC; approve the zone change subject to platting of the tract and the provisions of the Protective Overlay and approve first reading of the ordinance establishing the zone change. Motion carried 6 to 0, (Brewer absent).

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-24

VAC2004-06

VAC2004-06-REQUEST TO VACATE STREET RIGHT-OF-WAY AND PLATTED FRONT SETBACKS. GENERALLY LOCATED NORTH OF 9TH STREET NORTH AND APPROXIMATELY ½ MILE EAST OF 143RD STREET EAST. (THREE MILE JURISDICTION OF THE CITY OF WICHITA).

Agenda Report No. 04-0763

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate that portion of 9th Street North that abuts Lots 1, 2 and 3, Block 3, Crestview Country Club Estates Overbrook Second Addition. The Crestview Country Club Estates Overbrook Second Addition was recorded May 29, 1981.

The applicant owns all three lots and wishes to develop them as one lot. The applicant has referred to this portion of the right-of-way as an "eyebrow". It resembles the half of the radius end of a cul-de-sac and probably functions much the same way. The front yard setbacks for the three lots have platted 25-foot setbacks. The vacation of the "eyebrow" right-of-way would leave the platted 25-foot setback as they are currently configured; in an arc running parallel to the vacated "eyebrow" right-of-way. Vacating the platted 25-foot setback would allow the current UZC's setback for the "SF-5" single-family residential zoning district to replace it and thus run parallel to the reconfigured right-of-way. Reversion rights for the proposed vacated right-of-way are with the abutting Lots 1, 2 and 3, Block 3, Crestview Country Club Estates Overbrook Second Addition; the applicant. This "eyebrow" is the only public access for Lot 2, the middle lot of the three lots abutting the "eyebrow". The applicant has provided Staff with a Restrictive Covenant tying the three lots together as one lot, which assures access onto the middle lot. There is no sewer or water in the right-of-way, nor is there water and sewer service to the site at this time. This portion of 9th Street North is not paved.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

The subject site is located in Sedgwick County, but within the 3-mile jurisdiction of the City of Wichita and thus must be considered for final action by both the Sedgwick County Board of County Commissioners and the Wichita City Council.

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A certified copy of the Vacation Order and a Restrictive Covenant dedicated by separate instrument will be recorded with the Register of Deeds. A Certificate of Petition for City of Wichita Water and Sewer has been presented to the City of Wichita Public Works and a Certificate of Petition for Sedgwick County paving improvements has been presented to Sedgwick County Public Works.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

VAC2004-00028

VAC2004-00028-REQUEST TO VACATE A PLATTED FLOODWAY LOCATED MIDWAY BETWEEN SENECA STREET AND MERIDIAN AVENUE ON THE SOUTH SIDE OF 55TH STREET SOUTH. (DISTRICT IV)

Agenda Report No. 04-0764

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of a platted floodway that runs northwest to southeast through Lot 1, Block A, Andrla Addition. The Andrla Addition was recorded with the Register of Deeds September 22, 1972.

The floodway is approximately 285-feet wide and 382-feet long; 2.4-acres of the 3.69-acre site. There are no sewer or water lines in the floodway reserve. The approximately 20-acre South Lakes Park (City of Wichita) is located north of the site, across 55th Street South. Establishment of this park changed the drainage patterns in this area, to the point that drainage now flows, via a surface ditch, to the west of the site rather than through it. The applicant wishes to expand his landscaping supplies business into the platted floodway on the subject site.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

VAC2004-00029

VAC2004-00029-REQUEST TO VACATE A PORTION OF PLATTED SETBACKS, GENERALLY LOCATED NORTHEAST OF THE 21ST STREET NORTH-GREENWICH ROAD INTERSECTION.

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting vacation of 50-feet of the platted 100-foot building setback that runs parallel to the Greenwich Road ROW on the west side of Lot 1, and 50-feet of the platted 100-foot setback that runs parallel to the 21st Street North right-of-way on the south side of Lot 1, all in Block 1, the Manhattan Addition. The Manhattan Addition was recorded January 14, 1997.

All the setbacks run parallel to street right-of-way. The Unified Zoning Code standard for a front yard setback for the subject site's "LC" zoning district is 20-feet, with a minimum 10-foot street side setback. The applicant's site is 17.91 acres in size. There are no other 100-foot setbacks at this intersection, including the 13.35-acre, Lot 1 of the Kensington Gardens Addition, which has 35-foot setbacks.

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The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

VAC2004-00030

VAC2004-00030-REQUEST TO VACATE A PORTION OF AN EASEMENT DEDICATED BY SEPARATE INSTRUMENT LOCATED NORTHWEST OF THE WOODLAWN AVENUE INTERSECTION. (DISTRICT I)

Agenda Report No. 04-0766

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of a portion of a 20-foot utility easement dedicated by separate instrument, Film 407, Page 240. The easement is located on Lot 9, the Kapaun 1st Addition. The Kapaun 1st Addition was recorded with the Register of Deeds June 19, 1973.

The easement generally runs along the south portion of Lot 9, the Kapaun 1st Addition. A survey of the property revealed that an existing building on the subject site encroaches into a portion of the easement; less than a foot at its deepest point. The site is located in CUP DP-45.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

SUB2004-29

SUB2004-29-PLAT OF AUBURN HILLS COMMERCIAL THIRD ADDITION, LOCATED EAST OF 135TH STREET WEST, SOUTH OF MAPLE STREET. (DISTRICT V)

Agenda Report No. 04-0767

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of one lot on 4.82 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2003-59) from SF-5, Single-Family Residential District to NR, Neighborhood Retail District. A Protective Overlay (P-O #130) was also approved for this site.

City water and sanitary sewer are available to serve the site. A 100 percent Petition and a Certificate of Petition have been submitted for paving improvements. A Notice of Protective Overlay has been submitted addressing setbacks, signage, sidewalks, access, lighting, screening, landscaping permitted uses and architectural design. Since this plat proposes one access opening along the west property line, a Joint Access Agreement with the property to the west has been submitted. An off-site dedication of complete access control has also been submitted. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the proposed reserves.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Notice of Protective Overlay, Joint Access Agreement and Dedication of Access Control will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the ZON2003-59 Ordinance be placed on first reading, with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Brewer absent)

RESOLUTION NO. 04-382

Resolution of findings of advisability and Resolution authorizing constructing an accel/decel lane on Maple Street, 472-84070 (east of 135th Street West, south of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2003-59.

SUB2004-49

SUB2004-39-PLAT OF WOODLAND ELEMENTARY, LOCATED NORTH OF 13TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 04-0768

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (7-2)

The negative votes reflect the concern of those Commissioners regarding a contingent sidewalk dedication.

This site, consisting of one lot on 3.1 acres, is a replat of a portion of the Garden Grove Addition and Ferrell's Fourth Addition and is zoned TF-3, Two-family Residential District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Motion--

--carried

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

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DED2004-14

**DED 2004-14-DEDICATION OF COMPLETE ACCESS CONTROL ALONG WOODLAWN;
DED 2004-15-DEDICATION OF ACCESS CONTROL, EXCEPT FOR ONE OPENING
ALONG WOODLAWN; AND DED 2004-16-DEDICATION OF A UTILITY EASEMENT FOR
PROPERTY LOCATED ON THE EAST SIDE OF WOODLAWN, SOUTH OF 29TH STREET
NORTH. (DISTRICT I)**

Agenda Report No. 04-0769

MAPC Recommendation: Accept the Dedications.

These dedications were submitted as requirements of a lot split (Case No. SUB 2003-129).

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 6 to 0, (Brewer absent).

DED2004-17

**DED 2004-17-DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED
WEST OF WEST STREET AND SOUTH CENTRAL. (DISTRICT IV)**

Agenda Report No. 04-0770

MAPC Recommendation: Accept the Dedication.

As a requirement of a lot split (Case No. SUB 2004-60), this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Brewer absent).

AIRPORT AGENDA

TAXIWAY "A"

**AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION TAXIWAY "A"
RECONSTRUCTION WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 04-0771

On July 13, 2004 the Wichita Airport Authority approved the construction bid and awarded the project to Cornejo & Sons. The award was made pending Federal Aviation Administration (FAA) approval and funding.

Staff has prepared a grant application for these funds to submit to the FAA.

The Airport is requesting that \$6,012,469 in AIP funds be directed for this purpose. The Airport's responsibility of \$316,446.75 will ultimately be funded with Passenger Facility Charges and airport revenue.

Motion--
carried

Mayans moved that the grant application and the receipt of funds be approved and the necessary signatures once FAA approval and funding is established be authorized. Motion carried 6 to 0, (Brewer absent).

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EXECUTIVE SESSION Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 12:15 p.m. and reconvene in the City Council Chambers. Motion carried 6 to 0, (Brewer absent).

RECESS The City Council recessed at 12:00 p.m. and reconvened at 12:20 p.m. in the Council Chambers.

Mayor Mayans Mayor Mayans announced that no action was necessary as a result of the executive session.

Motion-- Mayans moved that the executive session be adjourned at 12:20 p.m. Motion carried 5 to 0, (Brewer and Lambke, absent)
--carried

Motion-- Mayans moved that the Council Meeting be adjourned at 12:20 p.m. Motion carried 5 to 0, (Brewer and Lambke, absent)
--carried

ADJOURNMENT The City Council meeting adjourned at 12:20 p.m.

Karen Sublett
City Clerk